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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
108910-08056

First named inventor: BRINATI

Application No.: 08/885,770

Filed: June 30, 1997

Title: VDF Polymerization Process



Art Unit: 1713

Examiner: SAROFIM

Adjustment date: 02/09/2006 CKHLOK
09/15/2005 SLUANG1 00000005 012300 08885770
01 FC:1453 1500.00 CR

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1500.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Continued Prosecution Application (identify type of reply):

☒ has been filed previously on June 30, 1997.
☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

☐ has been paid previously on _____.
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

08/15/2005 SLUANG1 00000005 012300 08885770
01 FC:1453 1500.00 DA

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



Signature

September 14, 2005

Date

Richard J. Berman

39,107

Typed or printed name

Registration Number, if applicable

Arent Fox PLLC, 1050 Connecticut Avenue, N.W.

202-857-6232

Address

Telephone Number

Washington, DC 20036-5339

Address

Enclosures: ☐ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

Date

Signature

Typed or printed name of person signing certificate



DAC

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Brinati *et al.*

Group Art Unit: 1713

Application Serial No.: 08/885,770

Examiner: Sarofim, N.

Filed: June 30, 1997

Attorney Docket No.: 108910-08056

For: VDF Polymerization Process

September 14, 2005

REQUEST FOR RECONSIDERATION UNDER 37 C.F.R. §1.137(e)

Mail Stop PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The applicants respectfully request reconsideration of the Decision on Petition dated August 23, 2005.

The applicants' previous Petition under 37 C.F.R. §1.181(a) to withdraw the holding of abandonment was dismissed under 37 C.F.R. §1.181(f) because it was not filed within 2 months of the mailing date of the Notice of Abandonment (dated March 29, 1999). In response, the applicants respectfully submit that:

- (1) they were unaware of the relevance of the prior Notice of Abandonment until just before December 2, 2004, at which point they filed the Petition under 37 C.F.R. §1.181(a);
- (2) the applicants clearly filed a Request Form For Continuing Prosecution Application under 37 CFR §1.53(d) along with an Amendment and Petition for Extension of Time for two months on January 13, 1999. Therefore the original Notice of Abandonment was improperly issued by the U.S. Patent and Trademark Office; and

(3) 37 C.F.R. §1.181(f) permits the Director of the U.S. Patent and Trademark Office to grant this petition regardless of the delay ("Any petition under this part not filed within two months of the mailing date of the action or notice from which relief is requested may be dismissed as untimely, except as otherwise provided." (emphasis added)).

The applicants respectfully submit that they have made a *bona fide* attempt to respond to the Notice of Abandonment as soon as they became aware of it and respectfully request that the Director reconsider the Decision on the applicants' Petition and grant this Petition.

In the alternative, if the Director rejects the applicants' Request for Reconsideration, the applicants enclose a Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 C.F.R. §1.137(b) along with copies of the relevant documents. The Director is authorized to charge the amount of \$1500.00 to cover the petition fee under 37 C.F.R. §1.17(m) to Deposit Account No. 01-2300, referencing Attorney Docket No. 108910-08056, if the Director accepts the applicants' Petition for Revival of an Application for Patent Abandoned Unintentionally.

The applicants believe that no fee is due for this Request for Reconsideration. In the event that a fee is required, it may be charged to Deposit Account No. 01-2300, referencing Attorney Docket No. 108910-08056.

Respectfully submitted,

ARENT FOX PLLC



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RJB/GP

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND											
1 Date of Request: <u>12-22-05</u>		2 Serial/Patent # <u>08/885,770</u>									
3 Please refund the following fee(s):		4 PAPER NUMBER	5 DATE FILED	6 AMOUNT							
	Filing			\$							
	Amendment			\$							
	Extension of Time			\$							
	Notice of Appeal/Appeal			\$							
<input checked="" type="checkbox"/>	Petition	/	9/14/05	\$ 1500.00							
	Issue			\$							
	Cert of Correction/Terminal Disc.			\$							
	Maintenance			\$							
	Assignment			\$							
	Other			\$							
7 TOTAL AMOUNT OF REFUND			\$ 1500.00								
8 TO BE REFUNDED BY:											
10 REASON:		Treasury Check									
	Overpayment	Credit Deposit A/C #:									
	Duplicate Payment	9 <table border="1" style="display: inline-table; text-align: center; width: 150px;"><tr><td>0</td><td>1</td><td>--</td><td>2</td><td>3</td><td>0</td><td>0</td></tr></table>			0	1	--	2	3	0	0
0	1	--	2	3	0	0					
<input checked="" type="checkbox"/>	No Fee Due (Explanation):										
<i>request for reconsideration under 1.181 granted - no need to treat 1.137(b) petition filed in the alternative</i>											
11 REFUND REQUESTED BY:											
TYPED/PRINTED NAME: <u>Patricia Faison-Ball</u>		TITLE: <u>attorney</u>									
SIGNATURE: <u>Patricia Faison-Ball</u>		PHONE: <u>23212</u>									
OFFICE: <u>Petitions</u>											
***** THIS SPACE RESERVED FOR FINANCE USE ONLY: *****											
APPROVED: <u>[Signature]</u>		DATE: <u>2/9/06</u>									

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